IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 954 OF 2006
IN
APPEAL FROM ORDER No.707 of 2006

Hamir Jaysinh Mulani .. Applicant
versus
Rekha Vipin Khakhar & Anr. .. Respondents

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Mr.Dipen Merchant i/b M/s.Mayur Narendra & Co, for the applicant.
Mr.S.N. Vaishnawa with Mr.R.D Dave i/b N.N.Vaishnawa for the respondents.

CORAM : D.G. KARNIK, J

DATED : 10th October 2006

P.C.:

1. Heard learned counsel for the parties.

2. In paragraph no.21 of the impugned order, the learned Judge has recorded a finding of fact that the applicant - original defendant was in settled possession of the suit premises. In the circumstances, in my view, the order of injunction restraining him from entering into the premises needs to be stayed. Accordingly civil application is allowed in terms or prayer clause (a).

(D.G. KARNIK, J)